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REMARKS

Claims 1, 9 and 11 are amended and Claim 14 is cancelled. Claims 1-13, as amended, remain in the application. No new matter is added by the amendments to the specification, drawings or claims.

The Examiner objected to the drawings under 37 CFR 1.83(a) stating that the anchor screw (including blades) must be shown or the feature(s) canceled from the claim(s). Applicants are submitting herewith a proposed Fig. 3 that shows the detail of a conventional helical anchor that is shown in the provisional application from which the present application claims priority. Upon approval by the Examiner, Applicants will submit formal drawings. No new matter is added by new Fig. 3.

The Examiner rejected Claims 11, 12, and 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,778,142 issued to Roba. The Examiner stated that the Roba patent discloses a screw anchor (6), a connector assembly (12, 7, 9, and 11) being a generally U-shaped bracket having a pair of legs having a fastener (8), a bracket assembly (14), a threaded rod (15). However, the Examiner objected to Claim 14 as being dependent upon a rejected base claim, and stated that the claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants cancelled Claim 14 and included the subject in amended independent Claim 11. Thus, Applicants believe that Claims 11-13 are allowable.

The Examiner rejected claims 1-4, 8, 9, 10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,606,231 issued to Kilborn. The Examiner stated that the Kilborn patent discloses a beam restrainer portion (12) having a bottom plate (102) and a side plate (104) with apertures (column 3, lines 22ff), a shaft (18) having a connector plate (24), a connector assembly being a threaded rod (30, 31, 35).

Applicant amended Claim 1 to clarify that the upper end of the connector assembly is selectively attached to the connecting plate to provide a length adjustment between the connecting plate and the connector assembly lower end. See the paragraph beginning at line 5 on page 4 of the specification.

The Kilborn patent discloses an axially adjustable guy rod 30 and an axially adjustable support column 18, each of which is adapted to be attached to a support element 12 or plate 102.

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Both the length of the guy rod 30 and of the support column 18 can be adjusted at a lower end of each. However, there is no length adjustment provided at the upper ends as defined by amended Claim 1

Applicants amended independent Claim 9 to clarify that the upper end of the threaded rod is attached to the connecting plate in a selected one of a plurality of positions along the rod. This permits adjustment between bracket attached to a beam and the helical anchor. See the paragraph beginning at line 5 on page 4 of the specification.

The Kilborn guy rod can not be attached at the upper end to the bracket 24 in a selected one of a plurality of positions along the rod.

The Examiner stated that the prior art made of record and not relied upon is considered pertinent to Applicant's disclosure and discloses conventional anchor means. The Examiner cited U.S. Patent No. 3,608,928 issued to Hooker; the U.S. Patent No. 3,750,349 issued to Deike; the U.S. Patent No. 3,802,138 issued to McCarter; the U.S. Patent No. 3,845,597 issued to Foster; the U.S. Patent No. 4,068,427 issued to Camardo; the U.S. Patent No. 4,272,933 issued to Lopes; the U.S. Patent No. 4,379,650 issued to Frankenfield; the U.S. Patent No. 4,546,581 issued to Gustafson; the U.S. Patent No. 4,911,580 issued to Gregory et al.; the U.S. Patent No. 4,976,077 issued to Tucker; the U.S. Patent No. 5,921,035 issued to Kempf; the U.S. Patent No. 6,256,940 issued to MacKarvich; the U.S. Patent No. 6,371,139 issued to Simchori; the U.S. Patent No. 6,468,002 issued to Gregory et al; and the U.S. Patent No. 6,702,239 issued to Boucher. Applicants reviewed these references and found them to be no more pertinent than the references relied upon by the Examiner in her rejections.

In view of the amendments to the claims and the above arguments, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.